

EXHIBIT NO. 35

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

VIVIAN BERT, et al.,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	CASE NO.
	:	C-1-02-467
AK STEEL CORPORATION,	:	
	:	
Defendant.	:	

Deposition of: SUSAN R. LESTER

Taken: By the Plaintiffs
Pursuant to Notice

Date: February 16, 2005

Time: Commencing at 8:02 a.m.

Place: Taft, Stettinius &
Hollister, LLP
425 Walnut Street
Suite 1800
Cincinnati, Ohio 45202

Before: Karen Volk, RPR
Notary Public - State of Ohio

ORIGINAL

1 looking, January of 2000 to the present.

2 A. Okay.

3 Q. Would you tell me exactly what the Ashland
4 Works is composed of? Are there one or two plants
5 there? Exactly what does AK Steel have at the
6 Ashland Works?

7 A. We have two facilities. They're both
8 considered Ashland Works but they're at two different
9 locations.

10 Q. Would you describe those for the record,
11 ma'am?

12 A. Yes. We have a coke making facility where
13 you produce coke out of coal. Then that is sent by
14 railcars to the main steel plant. At the main steel
15 plant you have a blast furnace, you have a basic
16 oxygen shop, a caster. We don't do any rolling at
17 Ashland but we do get some quales back because we
18 have a finish line that puts a zinc coating on the
19 steel.

20 Q. Okay. Are those called basically the Coke
21 Works and the West Works?

22 A. Yes, sir.

23 Q. How many employees work at the Coke Works?

24 A. About 400.

25 Q. How many work at the West facility?

1 A. 800.

2 Q. West Works, I guess.

3 A. Yes.

4 Q. Okay. And, in doing your recruiting and
5 hiring, do you hire for hourly positions at both of
6 those facilities?

7 A. Yes, sir.

8 Q. And has there been hiring that has
9 occurred at both of these facilities since January of
10 2000?

11 A. Yes, sir.

12 Q. Has there been any hiring since January of
13 2004?

14 A. Yes.

15 Q. Do you have records or anything that would
16 reflect the total number of hires that have occurred
17 since January of 2004?

18 A. No, sir.

19 Q. Do you, in fact, know, however, that there
20 have been hires since January of 2004?

21 A. There's been limited hiring in the salary
22 ranks.

23 Q. Has there been any hiring of any hourly
24 ranks?

25 A. I can't say for sure.

1 Q. Okay. Let me ask you this question. Is
2 there an entry level position -- hourly position for
3 which you hire at Ashland?

4 A. Yes.

5 Q. What is that entry level hourly position
6 called?

7 A. Would we be talking about the Coke Plants
8 or the West Works?

9 Q. Give me the Coke Plant first.

10 A. Coke Plant is heat relief labor and the
11 West Works is just labor.

12 Q. Is that the same thing as production or is
13 that a different kind of position?

14 MR. ROGERS: Objection to the form of the
15 question. At what facility are you talking,
16 Bob?

17 MR. CHILDS: I was looking through some
18 ads that you all had provided to us and it had
19 a job called production. And I didn't know
20 whether that was the same thing as laborer or a
21 different position.

22 Maybe you can answer, Greg, as well as the
23 witness. I'm just looking for some
24 clarification.

25 A. Production would be any jobs that aren't

1 A. Probably, yeah.

2 Q. All right. Is the test that you use for
3 Ms. Gibson, you know, that Dr. Gibson designed for
4 you, is that utilized at all AK Steel plants for
5 labor production jobs to your knowledge?

6 A. No, I don't think it is.

7 Q. Which AK steel plants is the test utilized
8 in and which plants is it not?

9 A. I don't know which ones use it, I just
10 know there's other plants that use something
11 different.

12 Q. What other plants -- what do other plants
13 use? Which plants are we talking about?

14 A. I don't know.

15 Q. How do you know they use something
16 different?

17 A. Just by communicating with them.

18 Q. Tell me what you've been told in this
19 communication.

20 A. That the Ashland and Middletown test was
21 one that Ms. Gibson had -- or Dr. Gibson had
22 validated, but that was the only two plants that she
23 validated a test for. So that was enough for me to
24 assume everybody else had something different if they
25 have a test at all. I would really be speculating.

1 Q. Do you know why the Middletown and Ashland
2 plants are the plants that are using this test at AK
3 Steel as compared to the rest of the plants?

4 A. No, sir.

5 Q. Never been involved in any HR meetings
6 where that's been discussed?

7 A. We just acquired some of those plants in
8 the recent years.

9 Q. If it's such a good predictor of work, do
10 you know why it would not be implemented at these
11 other plants?

12 A. No, I don't know.

13 Q. You never had that discussion with Phyllis
14 Short?

15 A. No, sir.

16 Q. Never had that discussion with any higher
17 officials at AK Steel?

18 A. No, sir.

19 Q. Did you ever wonder in your mind, if it
20 was such a good predictor, you being an HR person
21 with all these years of experience, why wouldn't they
22 use it at those other plants?

23 A. No, I don't know.

24 Q. Never took it upon yourself to ask that
25 question?

1 A. Yes, if they can. Sometimes applicants
2 don't give them good phone numbers but, yes, they
3 attempt to.

4 Q. All right. Now, at this stage tell me how
5 you use this background check in your interview
6 process.

7 A. I use this to see if they falsified their
8 application.

9 Q. Is that the sole reason that you're using
10 this information?

11 A. Yes, sir.

12 Q. So in regard to education, if they had
13 indicated that they have a GED or a high school
14 education, you would use this to show, in fact, they
15 did and so that they would be eliminated for
16 falsifying?

17 A. I do contact them on that because, of
18 course, the company could be wrong, to let them
19 challenge it.

20 Q. So every report you get back, if it
21 involves falsification to any extent in their
22 application, you personally call each applicant and
23 give them a chance to rebut what's in the report?

24 A. I don't call them, I mail them a letter
25 and give them BackTrack.

1 of the group that have been eliminated as a result of
2 the DMV?

3 A. That's correct.

4 Q. How many individuals have been eliminated
5 because of the education position provided to you by
6 BackTrack?

7 A. Very few.

8 Q. Do you know how many?

9 A. No, sir.

10 Q. Do you know who?

11 A. No.

12 Q. Do you know the race?

13 A. No, sir.

14 Q. How many individuals have been eliminated
15 as far as the background check for work history?

16 A. Very few.

17 Q. Do you know how many?

18 A. No, sir.

19 Q. Do you know who?

20 A. No.

21 Q. Do you know the race?

22 A. No, sir.

23 Q. Now, on the crime, you go back five years
24 and you said you look at any convictions for any
25 crime, is that correct?

1 A. I said I wasn't sure on that five years.
2 I'm not sure.

3 Q. You're the expert for the company. You're
4 being designated for it. What do you think it is?

5 A. Between five and seven.

6 Q. Okay. Are they actually looking for any
7 conviction for any felony, misdemeanor, traffic
8 violation or anything?

9 A. They are, yes.

10 Q. And how do you utilize that information in
11 making your cuts in the application process?

12 A. If a person has been convicted of
13 possession of marijuana or something that would be
14 related to substance abuse, I've screened those
15 people out.

16 Q. Any other use that you make of this
17 information, other than to screen out people who have
18 ever been convicted of possession of marijuana?

19 A. If a person has been convicted of assault
20 and battery, I screen those people out.

21 Q. Any others?

22 A. If a person has been convicted of theft.

23 Q. Give me the total list. Instead of me
24 saying each one, give me everybody you screen out for
25 what kind of convictions.